



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/746,132	12/21/2000	Ulrich Buschmann	473-010025-US(PAR)	2415
7590	12/02/2004		EXAMINER	
Clarence A. Green PERMAN & GREEN, LLP 425 Post Road Fairfield, CT 06430			HESS, DANIEL A	
			ART UNIT	PAPER NUMBER
			2876	

DATE MAILED: 12/02/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/746,132

Applicant(s)

BUSCHMANN, ULRICH

Examiner

Daniel A Hess

Art Unit

2876

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 December 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 2 is/are allowed.
- 6) ☒ Claim(s) 1,3,5 and 6 is/are rejected.
- 7) ☒ Claim(s) 4 and 7-10 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
- Paper No(s)/Mail Date 12/21/00; 3/26/02.

- 4) ☐ Interview Summary (PTO-413)
- Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Priority

Acknowledgement is made of applicant's claim for foreign priority based on Germany 19963403.3 filed 12/28/1999, a certified copy of which has been received and placed in the file of record.

Claim Objections

Claims 1-9 are objected to because of the following informalities: These claims are a translation from German, and while the claims are understandable, it would be helpful if the claims were rewritten with clarity in mind. Appropriate correction is required.

Also, it is believed that that the reference numeral 11.1 in the first line of claim 1 should read 11.2.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 3 and 5 are rejected under 35 U.S.C. 102(b) as being anticipated by Harvey (EP 0 911 751 A2, of record in 3/26/2002 IDS).

Art Unit: 2876

Re claim 1: See notably figure 3 and [0024] to [0030]. There is shown a card reader having two slots, each containing an insertion aperture for the insertion of the card. As is clear from the description, a user inserts one card into one of the apertures and then the system which holds both cards rotates to enable access to the other aperture. As figure 3 clearly shows, this blocks off access to the card slot in which the first card was placed. After processing, the next step is for the card which was inserted second to be removed, and then dual card structure can rotate downward making the firstly inserted card removable.

The limitations of claim 1 are indeed met because when the secondly added card has been inserted, the firstly added card is not removable. The combination of the barrier and the rotating system together act as a closing device.

Re claim 3: For all intents and purposes, the two slots lie atop one another (although at an angle) and the slots point in the same direction, namely toward the left in the figures.

Re claim 5: An ejection device [0030] is described which returns the card when the corresponding slot is uncovered; cards are returned in the opposite order from the order in which they are inserted.

Re claim 6: Mechanical energy is supplied to automatically eject the card inserted first after that card is uncovered (i.e. after the rotational system has rotated back downward).

Allowable Subject Matter

Claim 2 is allowed.

Art Unit: 2876

Claims 4 and 7-10 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Re claim 2, the prior art fails to teach or fairly suggest, in addition to the other limitations,

a monitoring device that prevents the logging on of a card inserted in the second slot when the first slot already has a card inserted in it that, when a card has been inserted in the second slot, monitors its position in the second slot and logs off the card located in the first slot when its position changes.

Re claim 4, the prior art fails to teach or fairly suggest, in addition to the other limitations upon which claim 4 depends, that the closing device is in the form of the moveable cover positions itself in the manner claimed to selectively grant access to card slots in the manner recited.

Harvey's closing device is not a moveable cover, per se: the card receptacle moves away from the slot.

Re claim 7, upon which claims 8-10 depend: Claim 7 is highly detailed in its description of the precise mechanical configuration of the mechanical structure of the applicant's invention.

Nowhere is such a structure taught or suggested in the prior art.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Tsuria (US 6,405,369), Watanabe (US 4,709,136), Findley, Jr. et al. (US 5,979,773),

Art Unit: 2876

Handleman et al. (US 5,878,134) and Jachimowicz et al. (US 5,763,862) all teach dual smart card systems.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daniel A Hess whose telephone number is (571) 272-2392. The examiner can normally be reached on 8:00 AM - 5:00 PM M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael G Lee can be reached on (571) 272-2398. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



DH

DANIEL STCYR
PRIMARY EXAMINER

